

## COOPER &amp; DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036  
TELEPHONE: (212) 278-0400CHRISTOPHER C. DUNHAM  
NORMAN H. EYEN  
JOHN P. WHITE  
ROBERT S.S. HOROWITZ  
ERIC D. KIRSCH  
SARV J. GERSHIK  
ROBERT Y. MALDONADO  
ALAN J. ROSSIGNOL  
AUDE BERSPACHNER  
JEFFREY C. SHIER  
JOSEPH R. GROSS  
DANIEL H. SMITH  
NILAY D. RAHELIVAN S. SAVRUKOV  
PETER S. MURRAY  
WILLIAM E. FELTON  
ROBERT D. RAYE  
PAUL TENG  
PETER J. MILLER  
RICHARD S. MILLER  
RICHARD P. JAWORSKI  
MARIA V. MARUSEI  
ASHLEY J. DELAUNEY  
BRIAN J. ARLOS  
TONIA A. SAYOUR  
LESLIE K. NOUYENFACSIMILE: (212) 391-0525  
(212) 391-0526  
(212) 391-0530  
(212) 391-0531  
(212) 391-0547OF COUNSEL  
DONALD G. DOWDEN  
SCIENTIFIC ADVISOR  
JAMES R. MAJOR, D. PHIL.  
FOUNDED 1887  
COOPER&DUNHAM.COM

## FACSIMILE TRANSMISSION

RECEIVED  
CENTRAL FAX CENTER

MAY 12 2006

PLEASE DELIVER THE FOLLOWING PAGES

COMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO.: (571) 273-8300FROM : Gary J. Gershik/DNSTOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 18DATE : May 12, 2006 TIME:

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0414.

MESSAGE: Re: U.S. Serial No. 10/052,961

AMENDMENT UNDER 37 CFR §1.116 IN RESPONSE TO JANUARY 6, 2006 FINAL OFFICE ACTION AND PETITION FOR A TWO-MONTH EXTENSION OF TIME

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Docket No. 44657-AAA-PCT-US/JPW/GJG/DNS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger

Serial No. : 10/052,961 Group Art Unit: 1617

Filed : January 18, 2002 Examiner: S. Wang

Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

1185 Avenue of the Americas  
New York, New York 10036  
May 12, 2006BY FACSIMILE - (571)273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450FACSIMILE CERTIFICATION OF TRANSMISSION  
IN CONNECTION WITH THE ABOVE-IDENTIFIED APPLICATION

Date of Facsimile: May 12, 2006. I hereby certify that this paper including Amendment Under 37 C.F.R. §1.116 in Response to January 6, 2006 Final Office Action With Petition for A Two-Month Extension of Time is being transmitted to the U.S. Patent and Trademark Office on the date indicated above by facsimile and is addressed to U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 Attn: S. Wang.

Printed Name: Gary J. Gershik

Respectfully submitted,

Gary J. Gershik  
John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicant(s)  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

BEST AVAILABLE COPY

EXPEDITED PROCEDURE  
RESPONSE UNDER 37 C.F.R. §1.116  
GROUP ART UNIT 1617

RECEIVED  
CENTRAL FAX CENTER  
MAY 12 2006

Docket No. 44657-AAA-PCT-US/JPW/GJG/DNS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger  
Serial No.: 10/052,961 Group Art Unit: 1617  
Filed : January 18, 2002 Examiner: S. Wang  
Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING  
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY  
VIRUS-TYPE 1

1185 Avenue of the Americas  
New York, New York 10036  
May 12, 2006

BY FACSIMILE - (571)273-8300

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 C.F.R. §1.116 IN RESPONSE TO  
JANUARY 6, 2006 FINAL OFFICE ACTION AND PETITION  
FOR A TWO-MONTH EXTENSION OF TIME

This is an Amendment in response to the Final Office Action issued by the United States Patent and Trademark Office on January 6, 2006 in connection with the above-identified application. A response to the January 6, 2006 Final Office Action was due April 6, 2006. Applicant hereby petitions for a two-month extension of time to respond. The fee for a two-month extension of time is FOUR HUNDRED FIFTY DOLLARS (\$450.00) and authorization is hereby given to charge this amount to Deposit Account No. 03-3125. With a two-month extension of time a response is due June 6, 2006. Accordingly, this Amendment is being timely filed.

Amendments to the Claims begin on page 2.

Remarks begin on page 6.

05/15/2006 TL0111 00000052 033125 10052961  
01 FC:1201 200.00 DA  
02 FC:1202 450.00 DA  
03 FC:1252 450.00 DA